IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.13569 of 2004

Between:

V.Sridhar, S/o V.Ramachander,
R/o G-95, Madhura Nagar Colony, Yousufguda, Hyderabad

..... PETITIONER

AND

1. The Commissioner of Prohibition and Excise, A.P.Gruhakalpa, Opp: Gandhi Bhavan, Hyderabad

2. The Prohibition and Excise, Superintendent, Narayanaguda, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction, calling for the records related to the renewal proceedings of IL-24 license of the petitioner and payment done towards license fee at the time of renewal of license done by the respondents 1 and 2 who have directed the petitioner to pay the next installment of license fee for running the Wine Shop in the premises bearing shop No.11, (MCH No.8-2-293/F/82/11) Film Nagar Co-operative Housing Society, Film Nagar, Hyderabad demanding the next installment of license fee is without jurisdiction, arbitrary, illegal, contrary to principles of natural justice, against to rule of law, contrary to procedure prescribed under law and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents 1 and 2 not to insist for the payment of next installment of license fee and adjust the same for the license fee which was already paid for 4 months i.e.Rs.4,10,000/- and as he has not conducted the business for 2 months in the shop No.11, situated at Film Nagar, Hyderabad, immediately and pass such other order or orders as this Hon’ble may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SRI RAMANI JONNA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following Order :

THE HONOURABLE Ms.JUSTICE G.ROHINI

WRIT PETITION NO.13569 OF 2004

O R D E R :

The petitioner is holding IL-24 licence for sale of Indian liquor and foreign liquor. The petitioner states that due to inaction on the part of the respondents in renewing the licence, he could not carry on the business for about two months, and therefore, entitled for remission of licence fee for the said period. He made a representation dated 02-06-2004 before the 1st respondent requesting to grant remission of the licence fee for the Excise year 2004-2005, and to adjust the same towards next installment of licence fees. The grievance of the petitioner is that the respondents did not consider his representation dated 02-06-2004 so far, but pressing for payment of next installment of licence fees. Hence, this Writ Petition seeking a declaration that the action of the respondents is arbitrary and illegal.

Having regard to the facts and circumstances of the case, without expressing any opinion with regard to the entitlement of the petitioner for the remission claimed by him, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 02-06-2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

03-08-2004

usd

To

1. The Commissioner of Prohibition and Excise, A.P.Gruhakalpa, Opp: Gandhi Bhavan, Hyderabad.

2. The Prohibition and Excise, Superintendent, Narayanaguda, Hyderabad.

3. 2CCs to GP for Prohibition and Excise, High Court Buildings, Hyderabad (o.u.t)

4. 2 CD copies